

Notice of Allowability

Application No.

09/653,266

Examiner

Stefano Karmis

Applicant(s)

BRIL, MOSHE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09 February 2007.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. The following communication is in response to Applicant's response to election/restriction filed 09 February 2007.

Status of Claims

2. Applicant's response to the election/restriction requirement, filed 20 February 2007, has withdrawn claims 13-18. Claim 19 was previously withdrawn. This application is in condition for allowance except for the presence of claim 13-19 directed to an invention non-elected without traverse. Accordingly, claims 13-19 been cancelled. Claim 20 was previously cancelled. Therefore claims 1-12 are pending.

Response to Arguments

3. Applicant's arguments, filed 05 July 2006, with respect to the rejection of amended claims 1-12 under Godin in view of Hogendoorn have been fully considered and are persuasive. Accordingly, claims 1-12 are allowed.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 13-19

5. The following is an examiner's statement of reasons for allowance:

The prior art Godin et al., (hereinafter Godin) U.S. Patent 6,266,652 B1 teaches an auction system which allows users to participate using their own computers suitably connected to the auction system (Abstract). Godin teaches that an auction comprises a starting price (column 3, lines 26-48: Examiner notes that this is analogous to setting a first threshold bid price level at which to offer the item at a first time) and a closing price for the auction and an auction end time (column 3, lines 26-48: Examiner notes that this is analogous to setting a second threshold bid price level at which to offer the item at a second time subsequent to the first). Godin also teaches that the price decreases in a predetermined manner in the auction as the time remaining in the auction decreases whereupon a buyer can bid when the price falls to a desired level (column 6, lines 41-47).

The prior art Hogendoorn U.S. Publication No. 2002/0007339 teaches a descending bid auction system where bidders can submit preregistered bids from remote locations (Abstract). A clock module receives a clock start price, a sweep speed value, a synchronization time stamp and a start delay variable from the system administrator (page 3, paragraph 0031). The preregistered bids allow the bidder to submit bids prior to the auction actually taking place (page 2, paragraph 0020). Hogendoorn teaches a sale is awarded to a preregistered bid when the Dutch auction clock reaches a matching price (i.e. the preregistered bid).

Foreign prior art WO 01/53913 to Kinney teaches a method and system for conducting online auction in a Dutch format (Abstract). Kinney teaches transformation bidding which represents a function (f) that is operative on input variables (x) and $(a_1..a_n)$ which in downward-price auction represent non-comparative bid parameters, where input variable x represents a supplier bid parameter (price) and the output of bid transformation is the buyer comparative bid parameter y (page 16, lines 13-28 and Figure 6). Kinney further teaches that the bid transformation function can be linear or non-linear (page 16, lines 29 thru page 17, line 5).

Non Patent Literature (NPL) prior art Design of an Internet-based System for Remote Dutch Auctions by Rockoff, T. and Groves, M. outlines the principle of the Dutch auction, whereby the price begins at a high level and decreases by steps until a bids is made (page 1, Abstract).

6. The prior art of record taken alone or in combination fails to teach a method of processing bids over a network for an item to be sold, using a time based factor and an automated bidding utility, the method comprising, defining a bid time function that assigns bid price levels to intermediate times between a first and second time, the bid time function being a continuous function, defining an automated bidding utility, said automated bidding utility enabling bidders to input one of said bid price levels or said intermediate times, wherein said automated bidding utility calculates the other of said bid price levels or intermediate times according to said bid time function and outputs said other of said bid price level or intermediate

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time to a respective bidder and upon receipt of a bid comprising a bid price, calculating or obtaining from said automated bidding utility a bid time for said bid as a time to which said bid price has been assigned by said bid time function as discussed in the specification pages 8-9. For these reasons, claim 1 is deemed allowable over the prior art. Claims 2-12 are allowed based on their dependency to claim 1.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
30 May 2007



HANI M. KAZIMI
PRIMARY EXAMINER